

October 22, 2019

Dr. Grenita Lathan  
Interim Superintendent of Schools  
Houston ISD  
4400 West 18th Street  
Houston, Texas 77092  
HISDSuperintendent@HoustonISD.org

Dear Dr. Lathan:

My name is Sarah Beebe and I am a Supervising Attorney with Disability Rights Texas, the federal Protection and Advocacy Organization in the State of Texas for people with disabilities. I operate an Education Advocacy Program in partnership with the Harris County Juvenile Probation Department (HCJPD) where we seek to improve education outcomes for youth involved with the juvenile justice system in an effort to reduce recidivism.

This letter is in response to Houston Independent School District's (HISD) termination of transportation services for high school students attending the Secondary DAEP for the 2019-2020 school year. HISD's failure to provide transportation creates significant obstacles for the impacted students to attend school. During the 2018-2019 school year, HISD removed 2,014 students to a DAEP.<sup>1</sup> Over 90% of these students were considered economically disadvantaged.<sup>2</sup> This population of students is less likely to be able to access alternative methods of transportation and therefore less likely to attend school without being provided transportation by the district.

HISD's failure to provide transportation to high school students attending the DAEP demonstrates a lack of commitment to the stakeholders and the students the district is serving. Last school year, Hispanic/Latino and Black students experienced the greatest number of removals.<sup>3</sup> Students involved in the disciplinary system, including placement in disciplinary alternative education programs, are more likely to drop out of school. Additionally, school

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<sup>1</sup> Texas Education Agency, District Level Annual Discipline Summary, PEIMS Discipline Data for 2018-2019, accessed on Oct. 15, 2019.

<sup>2</sup> For academic year 2018-2019, HISD removed 2,014 students to a DAEP, 1,837 of these students were economically disadvantaged. Texas Education Agency, District Level Annual Discipline Summary, PEIMS Discipline Data for 2018-2019, accessed on Oct. 15, 2019.

<sup>3</sup> 1,244 Hispanic/Latino students were removed; 930 Black or African American students were removed. Texas Education Agency, District Level Annual Discipline Summary, PEIMS Discipline Data for 2018-2019, accessed on Oct. 15, 2019.

disciplinary action that results in the removal of a student increases the likelihood, by almost triple, of involvement with the juvenile justice system within the subsequent academic year.<sup>4</sup> This makes the district's decision to halt transportation services to students assigned to the DAEP particularly troubling because this population is among the most at-risk for negative education and life outcomes.

Furthermore, HISD had 350 placements of students receiving special education services at the DAEP last school year.<sup>5</sup> Students receiving special education services are entitled to receive transportation as a related service if they need that service to attend school.<sup>6</sup> We have received information that HISD's new policy of not providing transportation services to students this school year has resulted in special education students not being able to attend school, which is a denial of their fundamental right to a Free Appropriate Public Education under federal special education laws.<sup>7</sup>

Ultimately, the failure to provide transportation to the DAEP is effectively serving as an expulsion to the street for many students. Lack of transportation is a barrier to access to the academic core curriculum and denies students the opportunity to meet graduation requirements. By failing to provide transportation, the impacted students are denied the opportunity to feel safe, connected, engaged, and supported by the district. HISD's decision creates further barriers to success for a population of students that is already at heightened risk for negative outcomes.

Accordingly, to resolve this matter, HISD should immediately take the following actions:

- 1) If it is not financially feasible for the district to provide transportation to all students assigned to the DAEP, then the district should immediately return all students to their home campuses to eliminate the negative impact of this inequitable policy;
- 2) If it is financially feasible for the district to provide transportation to all students assigned to the DAEP, then the district should reinstate transportation for high school students to the Secondary DAEP immediately;
- 3) For students whose access to the academic core curriculum was impacted by HISD's failure to provide transportation, screenings and assessments should be used to identify appropriate curriculum and instructional methods to accommodate gaps in achievement or credit experienced by such students;
- 4) For impacted special education students, an Admission, Review, and Dismissal (ARD) committee should determine the necessary amount of compensatory services needed for such students to make progress toward their individual goals; and
- 5) Impacted students should have any absences or tardiness excused to avoid any punishment for truancy.

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<sup>4</sup> *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, July 2011, p. 54-60, 70, <https://csgjusticecenter.org/youth/breaking-schools-rules-report/>.

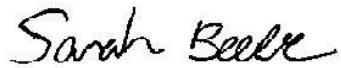
<sup>5</sup> Texas Education Agency, District Level Annual Discipline Summary, PEIMS Discipline Data for 2018-2019, accessed on Oct. 15, 2019.

<sup>6</sup> 34 C.F.R. §300.34.

<sup>7</sup> 34 C.F.R. §300.17.

I would be happy to discuss this matter with you so we can work toward a resolution that will restore the students who have been negatively impacted by this policy to their full potential.

Sincerely,



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SB/ma

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